

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION

B&C KB HOLDING GMBH,

Movant,

v.

THE TEACHER RETIREMENT SYSTEM OF  
TEXAS,

Respondent.

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1:23-MC-529-RP

**ORDER**

Before the Court is the report and recommendation of United States Magistrate Judge Dustin Howell concerning Respondent The Teacher Retirement System of Texas’s (“Respondent”) motion to quash, (Dkt. 6). (R. & R., Dkt. 19). Movant B&C KB Holding GmbH’s (“Movant”) timely filed objections to the report and recommendation. (Objs., Dkt. 21).

This Court has recently decided that applications or motions to quash subpoenas under 28 U.S.C. § 1782 should be treated as non-dispositive matters for the purposes of reviewing the magistrate judge’s decision. *See CFE Int’l LLC v. Antaeus Grp. LLC*, No. 1:23-CV-56-DII, 2023 WL 7181266, at \*2 (W.D. Tex. Nov. 1, 2023); 28 U.S.C. § 636(b)(1)(A); Fed. R. Civ. P. 72(a). District courts apply a “clearly erroneous” standard when reviewing a magistrate judge’s ruling under the referral authority of 28 U.S.C. § 636(b)(1)(A). *Castillo v. Frank*, 70 F.3d 382, 385 (5th Cir. 1995). The clearly erroneous or contrary to law standard of review is “highly deferential” and requires the court to affirm the decision of the magistrate judge unless, based on the entire evidence, the court reaches “a definite and firm conviction that a mistake has been committed.” *Gomez v. Ford Motor Co.*, No. 5:15-CV-866-DAE, 2017 WL 5201797, at \*2 (W.D. Tex. Apr. 27, 2017) (quoting *United States v. United States Gypsum Co.*, 333 U.S. 364, 395 (1948)). The clearly erroneous standard “does not entitle the court to reverse or reconsider the order simply because it would or could decide the matter

differently.” *Id.* (citing *Guzman v. Hacienda Records & Recording Studio, Inc.*, 808 F.3d 1031, 1036 (5th Cir. 2015)).

Because Movant timely objected to the magistrate judge’s report and recommendation of a motion to quash a subpoena under § 1782, the Court reviews the report and recommendation for clear error or for conclusions that are contrary to law. Having done so, the Court overrules Movant’s objections and adopts the report and recommendation as its own order.

Accordingly, **IT IS ORDERED** that the report and recommendation, (Dkt. 19), is **ADOPTED**.

**IT IS ORDERED** that the motion to quash, (Dkt. 6), is **GRANTED**.

**SIGNED** on February 2, 2024.

A handwritten signature in blue ink, appearing to read "Robert Pitman", written over a horizontal line.

ROBERT PITMAN  
UNITED STATES DISTRICT JUDGE